

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Steve Bernard Bogard,

Petitioner, Case No. 19-cv-13335

v.

Judith E. Levy
United States District Judge

Patrick Warren,

Mag. Judge David R. Grand
Respondent.

/

ORDER OF DISMISSAL WITHOUT PREJUDICE

Michigan state prisoner Steve Bernard Bogard filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. (ECF No. 1.) His filing, however, failed to comply with certain filing requirements. Bogard did not submit two copies of his petition as required by Rule 3(a), Rules Governing Section 2254 Cases. He also failed to submit either the \$5.00 filing fee or a certified trust account statement for the 6-month period immediately preceding the filing of the complaint. *See* 28 U.S.C. § 1914(a); 28 U.S.C. § 1915. On November 25, 2019, the Court issued an order requiring Bogard to correct the deficiencies within 21 days or risk dismissal of the petition without prejudice. (ECF No. 3.) Bogard has not

corrected the deficiency and the deadline for doing so has passed. The Court will dismiss the petition without prejudice. Bogard may file another petition in accordance with applicable Federal and local rules.

The Court DISMISSES WITHOUT PREJUDICE the petition for a writ of habeas corpus.

Because no reasonable jurists could debate the correctness of the Court's ruling, a certificate of appealability is DENIED. *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000); see 28 U.S.C. § 2253(c)(2). An appeal also could not be taken in good faith, so leave to proceed on appeal in forma pauperis is DENIED. See Fed. R. App. P. 24(a).

IT IS SO ORDERED.

Dated: January 17, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 17, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager